

REMARKS/ARGUMENTS

In response to the above-identified Office Action, claims 1-20 remain pending in the present application.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

The Examiner rejected claims 1-5, 8-9, 13, and 17-18 under 35 U.S.C. 102(e) as being anticipated by Allen et al. ("Allen") and rejected claims 6-7, 10-12, 14-16, and 19-20 under 35 U.S.C. 103(a) as being unpatentable over Allen in view of well-known prior art. Applicant respectfully disagrees with the rejections. In response to Applicant's previous remarks regarding these rejections, the Examiner states:

Regarding Applicant's argument to claims 1-5, 809[sic], 13 and 17, the Examiner maintains that in a media distribution system such as the one in U.S. Patent 5,892,535 to Allen, that there are uplink, storage, and scheduling parameters. It is inherently taught in such a system that these parameters are tunable. In a real-world finite bandwidth situation, uplink parameter must inherently be adjustable to specify how many streams may be in use at a given time for varying bandwidth situations or in situations where more bandwidth is allocated to particular high-priority programming. Similarly, scheduling of content must be adjustable - for instance if a sports program were to go into overtime, other programming schedules must be adjusted consequently. Too, scheduling of commercial breaks and the advertising content for each must be dynamic and operator-adjustable. Additionally, scheduling in terms of process and bandwidth utilization must inherently be adjustable based on processor availability and uplink saturation. Allen discloses dynamic scheduling based on available resources (Col. 15, lines 49-61 and Col. 19, lines 45-61). Should these resources change, the scheduling system must be adjusted to reflect the added resources. Further, data storage parameters in any computer system are always tunable, including cache/buffer (Col. 16, lines 38-44) sizes and archival storage durations.

Applicant respectfully disagrees with the Examiner's position.

The present invention provides a digital media distributor (DMD) with tunable control of digital media data transmission that includes a distribution network, a central site system, and a plurality of remote site systems. The central site system utilizes a plurality of designated control

parameters, including uplink parameters, scheduler parameters, and storage parameters, for controlling distribution of digital media data. The plurality of remote site servers receive digital media data transmissions from the central site server via the distribution network according to the designated control parameters. In this manner, a plurality of control parameters are provided that allow tuning of distribution in a DMD according to particular transmission needs. The use of the control parameters enhances the flexibility of achieving optimal management of transmissions from a central site to remote sites. More particularly, data storage, scheduling, and uplink components are tuned through the control parameters.

In rejecting independent claims 1, 8, 17, and 18 of the present invention, the Examiner relies on Allen's local media server as teaching a central site system that utilizes a plurality of designated control parameters as tunable limits including uplink parameters, scheduler parameters and storage parameters for controlling distribution of the media data based on Allen's Col. 15, lines 49-61, Figure 15, Figure 18, Col. 17, lines 55-60, Col. 19, lines 45-57 and Col. 23, lines 12-34. Applicant respectfully submits that Allen fails to teach, show, or suggest utilization of a plurality of designated control parameters, including uplink parameters, scheduler parameters, and storage parameters established in a central site system for managing/tuning distribution of digital media data, including digital advertisements, to a plurality of remote sites, as recited in varying form in independent claims 1, 8, 17, and 18.

With reference to the cited section of Col. 15, lines 49-61, Allen merely describes that a system for distributing media or programming should facilitate near video-on-demand capability. The capability is further described in the cited section of Col. 19, lines 45-57, for the interactions between the system and a subscriber to present near video-on-demand data. Applicant fails to see how the mere reference to an ability to provide near video-on-demand capability for

distributing media to subscribers anticipates or suggests the recited designated control parameters with tunable limits utilized/established in a central site of a DMD for use with a plurality of remote sites.

Further, with regard to the cited Col. 17, lines 55-60, this section of Allen simply describes the types of cue tones in a TV program for ad insertion. A cue tone signal itself, however, is "delivered as part of the national network feed signal" (col. 17, lines 44-45). With the cue tones being established outside of the system, including the so-called 'central site' of the local media server in Allen, Applicant fails to see how these cue tone signals teach, show, or suggest designated control parameters with tunable limits utilized/established within a central site of a DMD, as recited by the Applicant.

With regard to the cited Col. 23, lines 12-34, Allen teaches in this section how a channel test and flow processor in a network interface unit operates to monitor storage of a transport stream demultiplexer in the network interface unit. Applicant again fails to see how such processing teaches or suggest designated control parameters with tunable limits utilized/established in a central site of a DMD, as recited by the Applicant. More particularly, Applicant respectfully submits that by the Examiner's own argument, the network interface unit in Allen should be considered as a remote site server. Applicant fails to see how activity in a remote site server can be relied upon as anticipating or suggesting the recited aspects of a central site, including the utilization/establishment of designated control parameters in the central site.

While the Examiner also contends that such parameters are inherent in digital media distribution, and that these parameters are inherently tunable, such so-called inherency does not result in any teaching or suggestion of the utilization/establishment of designated control parameters, including uplink, scheduler, and storage parameters having tunable limits in a central

site for managing/tuning distribution of digital media data to a remote site, as recited in independent claims 1, 8, 17, and 18. Further, given the deficiencies of Allen as presented hereinabove, and without further criticality of teaching, such reliance on inherency seems to lack sufficient basis. Therefore, Applicant respectfully submits that claims 1, 8, 17, and 18 are not anticipated by Allen nor unpatentable over Allen in view of well-known prior art.

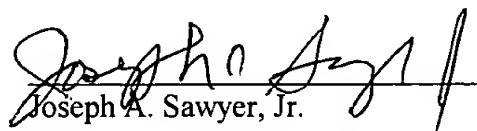
Additionally, dependent claims 2-7, 9-16, and 19-20 include the features of claims 1, 8, or 17, respectively, while adding further features, and thus, these claims are also respectfully submitted as allowable over the cited art for at least those reasons stated hereinabove.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 102(e) and 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
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